

# MEMORANDUM

February 1, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID MCCANN, ESQ.  
Yoka & Smith

BRIAN T. CHU  
Senior Deputy County Counsel  
General Litigation Division

RE: Shingara Singh, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court No. PC037754

DATE OF  
INCIDENT: May 9, 2005

AUTHORITY  
REQUESTED: \$40,000

COUNTY Public Works/Flood  
DEPARTMENTS: Special Fund/Flood Control District

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## CLAIMS BOARD ACTION:



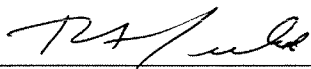
Approve



Disapprove



Recommend to Board of  
Supervisors for Approval



ROCKY A. ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on February 15, 2007

## SUMMARY

This is a recommendation to settle for \$40,000 the lawsuit filed by Shingara Singh and Baljinder Bassi, seeking damages for personal injuries sustained in a motor vehicle accident with an employee of the Department of Public Works on May 9, 2005.

## LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

At approximately 12:30 p.m. on May 9, 2005, Shingara Singh approached the signalized intersection of Woodley Avenue at Roscoe Boulevard, in Panorama City, driving a 2000 Honda Civic. Mr. Singh's wife, Baljinder Bassi, three children and a teenage friend were passengers in the vehicle. At the time of the incident, a Department of Public Works ("DPW") employee was driving a County-owned 2003 Chevrolet pick-up truck, traveling behind Mr. Singh's vehicle. As the traffic signal turned yellow, Mr. Singh brought his vehicle to a stop. The County employee, however, was following too closely and rear-ended Mr. Singh's vehicle.

While the County pick-up truck received minor damage, there was moderate damage to Mr. Singh's vehicle. As a result of the collision, Mr. Singh and Ms. Bassi received soft-tissue injuries to their backs. Two of their teenage children also received minor soft-tissue injuries to their backs. Their third child was uninjured but sustained limited sleep disturbance after the incident. The incident was not reported to law enforcement.

The DPW employee began employment with DPW in January 2002, and has been in his current position as a Public Works Maintenance Worker since August 2003. At the time of the incident, he had been driving as part of his assignment for a total of three years. He experienced a prior accident, however, the DPW Automotive Safety Committee determined that the accident was not his fault.

## DAMAGES

Mr. Singh treated with a chiropractor for ten weeks following an MRI image that revealed a broad-based disc protrusion, and degenerative disc disease at several levels. Ms. Bassi treated with a chiropractor for eleven weeks following an MRI image that revealed small disc bulges at several levels of her spine and degenerative back conditions at several levels. An orthopedist has recommended epidural injections for her pain.

Should this matter proceed to trial, we anticipate Mr. Singh will offer evidence of damages as follows:

Past medical expenses	\$ 7,380
Pain and suffering	<u>\$ 25,000</u>
TOTAL	<u><u>\$ 32,380</u></u>

Ms. Bassi will likely offer evidence of damages as follows:

Past medical expenses	\$ 10,780
Future medical expenses	\$ 24,000
Pain and suffering	<u>\$ 50,000</u>
TOTAL	<u><u>\$ 84,780</u></u>

### STATUS OF CASE

Claims for damages were presented on behalf of all the minor passengers in Mr. Singh's vehicle. Those claims were settled for a total amount of \$9,000. After Mr. Singh and Ms. Bassi filed their lawsuit, settlement negotiations were undertaken, resulting in the proposed settlement. The case has been dismissed, but subject to being re-opened if the proposed settlement is not approved.

This case was roundtabled on April 25, 2006, and settlement options were discussed. Approximate expenses incurred by the County in defense of this matter are attorneys' fees of \$ 2,659 and costs of \$460.

### EVALUATION

This is a case of undisputed liability. A jury will find that the County employee was following too closely behind Mr. Singh and at a speed that was too fast for the conditions. The County's only viable defense is on the issue of damages. While it is undisputed that Mr. Singh and Ms. Bassi received injuries, the County could argue that their injuries were exacerbations of prior degenerative conditions. Such factors as age and occupation will play a role in such a defense. However, it will be up to the trier of fact to determine the extent of the exacerbation attributable to the accident. A reasonable settlement of this action at this time, however, will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

## RECOMMENDATION

We join with our third party administrator, Carl Warren and Company, and our private counsel, Yoka and Smith, in recommending a total settlement of this matter in the amount of \$40,000. The Department of Public Works concurs in this settlement recommendation.

APPROVED:

A handwritten signature in black ink, appearing to read "Ralph L. Rosato", written over a horizontal line.

RALPH L. ROSATO  
Assistant County Counsel  
General Litigation Division

RLR:BTC:ac